

REMARKS

Applicants initially note that a Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address was submitted on May 3, 2004, but appears not to have been entered by the Office, as the Office continues to address papers to the previous correspondence address. Applicants had resubmitted another copy of the Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address on May 12, 2005 and October 3, 2005. Applicants again respectfully request that the Office enter and record the Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address for this application. For the convenience of the Office, applicants include herewith another copy of the Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address.

Claims 1-8, 16-23, 31-36 and 44-48 are presently pending in the application. Claims 9-15, 24-30 and 37-43 were previously withdrawn from consideration. Claims 1, 16 and 31 are independent. Claims 1-2, 16 and 31 are amended. Thus, claims 1-8, 16-23, 31-36 and 44-48 are at issue.

112 Rejection

Applicants have amended the claims to remove references to a “process controller” and replaced such references with a “controller”. Applicants respectfully request withdrawal of this rejection as a “controller” is well supported by the specification.

35 USC 102 Rejection

Applicants respectfully traverse the rejection of claims 1-8, 16-23 and 31-36 as anticipated by McCain et al. (U.S. Pat. No. 6,129,449) (“McCain”), and the assertions and determinations therein, for at least the following reasons.

Amended independent claim 1 recites, in part, “the field devices having an associated wireless communication link and being under the control of the controller.” Applicants respectfully submit that McCain does not teach or suggest every element of amended claim 1 because McCain does not teach a wireless communication link with a field device that is under the control of the controller. The only wireless communications link taught or suggested by McCain is the infrared link between the satellites 10 and the handheld unit 17. McCain, Fig. 1 and associated discussion. Thus, the Office Action appears to argue that the handheld units (such as elements 60 and 61 in Figure 3 of McCain) are representing either the

field devices or the controllers. Office Action, para 6, p. 3-4. Applicants respectfully note that if the Office Action is reading the handheld of McCain as the field device of claim 1, McCain does not apply because the handheld is not “under the control of the controller.” See e.g., McCain col. 4, lines 27-37 (“The system has at least the following capabilities: (1) Screen print of hand-held to local printer; (2) Communication with another hand-held unit; (3) Download of files from a local P/C to hand-held; (4) Data Retrieval from programmable controller; (5) Command to programmable controller from hand-held through Network 2; (6) Interface with Host computer through Network 1; (7) Interface with Host computer through P/C inter-face; and (8) Interactive operation between hand-held and Host.”). McCain only describes the handheld as being able to send commands *to* the programmable controller, not receive commands *from* the controller, thus, McCain teaches directly away from the concept of a field device “under the control of the controller” as recited in amended claim 1.

If the Office Action is reading the handheld as the controller of claim 1, then Applicants respectfully note that no wireless link is disposed between the controller, or handheld, and a field device as shown in Figure 1 of McCain. Applicants further note that in the situation where the handheld is being read as a controller, because the handheld can only send commands to another *controller*, the handheld is not capable of controlling a field device, and thus, McCain fails to teach or suggest “a distributed network of industrial process control field devices, at least one of the field devices having an associated wireless communication link and being under the control of the controller” as recited in claim 1.

Thus, for at least these reasons, claim 1 is patentable over the cited reference. Therefore, Applicants respectfully request allowance of amended independent claim 1.

Amended independent claims 16 and 31 are patentable for reasons analogous to those discussed above in association with claim 1. Therefore, Applicants respectfully request allowance of amended independent claims 16 and 31.

Further, amended independent claim 31 continues to recites, in part, “a network for providing power to the field devices and the wireless communication links.” As previously noted in Applicants’ Amendment of Oct. 3, 2005, McCain does not disclose that its wireless links or any field devices are powered by a network connection of any type. The Office Action’s citation to Col. 3, line 62 – Col. 4, line 27 simply does not support this contention. In fact, McCain does not disclose how any of its components are powered, much less that its components are powered via a network connection. The Office Action has not responded in

any particular way to Applicants' argument on this point and simply copied the text from the previous Office Action into the current Office Action. Applicants respectfully request that the Examiner respond specifically and provide some showing or argument as to how McCain can teach or suggest these elements of claim 31 in light of the above arguments or allow claim 31.

Dependent claims 2-8 and 44-46 depend from independent claim 1, dependent claims 17-23 and 47 depend from independent claim 16 and dependent claims 32-36 and 48 depend from independent claim 31. In particular, dependent claims 3, 4, 18 and 32-36 are allowable for reasons analogous to those discussed above in association with independent claim 31. Independent claims 1, 16 and 31 have been shown above to be allowable. Therefore, Applicants respectfully request allowance of dependent claims 2-8, 17-23, 32-36 and 44-48 as depending from an allowable base claim and as providing further distinctions over the cited reference.

35 USC 103 Rejection

Applicants respectfully traverse the rejection of claims 45 and 47-48 as obvious over McCain in view of Edison et al. (U.S. Pat. No. 5,586,305) ("Edison"), and the assertions and determinations therein, for at least the following reasons.

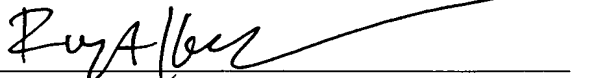
Dependent claims 45 and 47-48 depend from independent claims 1, 16 and 31, which have been shown above to be allowable over McCain. Edison is not relied upon by the Office Action with respect to the elements of independent claims 1, 16 and 31, nor does Edison teach or suggest claims 1, 16 and 31. Therefore, Applicants respectfully submit that dependent claims 45 and 47-48 are allowable as depending from an allowable base claim and as defining further distinctions over the cited references. Thus, Applicants respectfully request allowance of dependent claims 45 and 47-48.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance. If there is any matter that the examiner would like to discuss, he is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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